

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LARRY N. BEMROSE,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 14-cv-05227 RBL

REPORT AND RECOMMENDATION
ON DEFENDANT'S MOTION TO
DISMISS

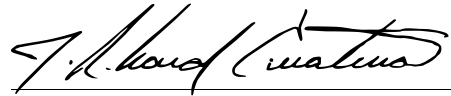
This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's motion to dismiss for lack of subject matter jurisdiction. (ECF No. 10.)

After reviewing defendant's Motion to Dismiss (ECF No. 10), the Declaration of Robert Weigel (ECF No. 10, attachment 1) and plaintiff's Response to Motion to Dismiss (ECF No. 11), the undersigned recommends that the Court grant defendant's motion and dismiss this matter for lack of subject matter jurisdiction.

1 Section 42 U.S.C. § 405(g) provides the exclusive jurisdictional basis for judicial review
2 in cases arising under the Social Security Act. Judicial review is available only after the
3 Commissioner renders a “final decision” after completion of all of the required steps of the
4 administrative process. *See* 42 U.S.C. §§ 405(g) and (h); 20 C.F.R. §§ 404.900(a)(4) and (5); *see*
5 *also* 20 C.F.R. §§ 404.907, 404.929, 404.967, 404.981. Here, plaintiff’s counsel admits that he
6 had not completed the administrative process when he filed the action in this Court and hence
7 concedes that a final decision has not been rendered in this matter (*see* ECF No. 11).

8 Given the facts, procedural history, and plaintiff’s concession, the Court recommends that
9 the District Judge immediately approve this Report and Recommendation and order that the case
10 be **DISMISSED** pursuant to 42 U.S.C. § 405(g).

11 Dated this 2nd day of June, 2014.

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14 J. Richard Creatura
United States Magistrate Judge
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